

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:32 a.m. on February 2, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Jean Schodorf- excused

Committee staff present:
Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Others attending:
See attached list.

The Chairman called for final action on **SB 6 - Professional fund raisers; required disclosures.** The Chairman reviewed the bill.

Senator Derek Schmidt provided an amended bill draft containing language addressing the Attorney General's concern regarding constitutionality. Dan Gibb, Deputy Attorney General was called upon to confirm the Attorney General's agreement with the language. Senator Schmidt reviewed the changes in the substitute draft. (Attachment 1)

Following discussion, Senator Schmidt moved, Senator Vratil seconded, to delete the language in SB 6 and make a substitute bill with the proposed language in the distributed draft. Motion carried.

Senator Schmidt moved, Senator Kelly seconded, to recommend Sub SB 6 favorably for passage. Motion carried.

The Chairman called for final action on **SB 26 - Additional months added to sentences for certain drug felonies involving firearms.** Jason Thompson, Revisor, reviewed the bill for the committee including amendments to define brandishing and changes to the sentencing requirements.

Following discussion, Helen Pedigo, Kansas Sentencing Commission, was called upon to answer technical questions regarding collection of data and prison bed impact.

Senator Schmidt moved, Senator Bruce seconded, to amend SB 26 on page 5, line 2, striking the language following the period and striking lines 4, 5, 6, 7, & 8. Motion carried.

Senator Lynn moved, Senator Vratil seconded, to recommend SB 26 as amended favorably for passage. Motion carried. Senators Haley and Kelly voted no and requested their votes recorded.

The Chairman called for final action on **SB 28 - Transportation of controlled substances; same penalty as open container of liquor.** Jason Thompson, staff revisor, reviewed the bill and distributed a balloon amendment drafted to clarify that the punishment is only for the unlawful possession of prescription drugs. (Attachment 2)

Senator Vratil moved, Senator Donovan seconded, to amend SB 28 as reflected in the balloon amendment. Motion carried.

Senator Donovan moved, Senator Kelly seconded, to amend SB 28 conceptually to allow opened wine legally sealed for transport. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend SB 28 as amended, favorably for passage. Motion carried.

The next meeting is scheduled for February 3, 2009.

The meeting was adjourned at 10:32 a.m.